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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,	:	FILED
Plaintiff	:	
v.	:	HARRISBURG, PA
KENNETH D. KYLER, individually, and	:	MAR 13 2001
in his official capacity, <u>et al.</u> ,	:	
Defendants	:	MARY E. D'ANDREA, CLERK Pat Deputy Clerk

No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SANCTIONS

PROCEDURAL HISTORY

This is a civil rights action brought pro se by John Richard Jae, an inmate currently incarcerated at the State Correctional Institution at Greene (SCI-Greene). Defendants are various present and former officials at the State Correctional Institution at Camp Hill.

This action was originally commenced in January 2000 in the Court of Common Pleas of Cumberland County. Defendants removed the action to this Court on February 22, 2000. The complaint alleged violations of the First, Eighth and Fourteenth Amendments, as well as, state law claims. Regarding plaintiff's constitutional claims he asserted that he had been denied legal materials and religious literature, that he had been denied showers and exercise and that he had been subjected to poor ventilation and excessive heat in his cell (Complaint ¶¶1, 10-16, 17-19, 20-21, 23-27).

After defendants objected to a document request as outside the discovery period, Jae moved to compel production of documents. The magistrate judge assigned to this matter granted the motion on December 27, 2000, and directed defendants to produce the documents within ten

days of the order. The documents at issue were (1) RHU 17x quarters cards from April 24, 2000, to June 6, 2000, (2) the RHU property Officer's notes from November 20, 1999 to May 24, 2000, and (3) Jae's medical records from April 23, 2000 to May 1, 2000.

Counsel did not provide the documents to Jae within the time set forth in the order of the magistrate judge. The documents, however, have been delivered to Jae.

Before the court is Jae's motion for sanctions. This brief is submitted in opposition to Jae's motion.

STATEMENT OF FACTS¹

Counsel for defendants received this Court's Order directing defendants to provide documents in response to plaintiff's second set of requests for production of documents on December 27, 2000. The Order directed that the documents be provided within ten days, which under Fed.R.Civ. P. 6 was January 11, 2001. At the time counsel received the Order, the plaintiff, John Richard Jae, was housed in the State Correctional Institution at Greene. He had been transferred there from SCI-Camp Hill on October 24, 2000.

Counsel was initially unable to contact the appropriate staff member at SCI-Greene until January due to holiday vacations. On January 22, 2001, counsel received a package of materials from SCI-Greene pertaining to the Jae case, which he believed were complete responses to the discovery request. Counsel discovered, however, that he had been sent DC-17 forms, which were Jae's "Conduct Record" and not the DC-17x, which was his adjustment record which he had requested. In addition, the medical records sent were incomplete in that these records did not

¹This statement of facts is based upon the Unsworn Declaration of Michael L. Harvey, attached hereto.

include all the dates requested by Mr. Jae.

Jae was transferred to the mental health unit of SCI-Pittsburgh on January 18, 2001 and counsel then contacted staff at SCI-Pittsburgh to obtain Jae's DC-17x forms and his complete medical records. Counsel was subsequently told that Jae's DC-14 file which contained his DC-17x forms could not be located in SCI-Pittsburgh. He was further told that, because this was a temporary transfer, it was possible that Jae's DC-17x forms could still be at SCI-Greene. SCI-Pittsburgh staff, however, were able to locate Jae's medical records, and on February 9, 2001, counsel received Jae's complete medical file.

Counsel contacted the litigation coordinator at SCI-Greene, and was initially informed that Jae's DC-14 file could not be found at SCI-Greene. He contacted staff at SCI-Camp Hill to see if the DC-14 may have been sent there. Counsel was later informed that the DC-14 was located at SCI-Greene, and he received the DC-17x forms on February 21, 2001.

When counsel prepared the documents for mailing he discovered that Jae's medical record lacked dispensary cards and he believed this may have been an oversight. Jae was then transferred back to SCI-Greene on February 22, 2001, and counsel contacted the litigation coordinator at SCI-Green to check to see if there were any dispensary cards for the time period Jae had requested. After a few days, he received confirmation that there were no dispensary cards for time period covered in Jae's request.

On March 1, 2001, counsel mailed to Jae the documents sought in his document request.

STATEMENT OF QUESTION INVOLVED

Should plaintiff's motion for sanctions be denied where defendants have substantially complied with the Court's order and the plaintiff has not been prejudiced?

ARGUMENT

PLAINTIFF'S MOTION FOR SANCTIONS SHOULD BE DENIED WHERE DEFENDANTS HAVE SUBSTANTIALLY COMPLIED WITH THIS COURT'S ORDER AND THE PLAINTIFF HAS NOT BEEN PREJUDICED.

Plaintiff seeks sanctions under Fed.R.Civ.P. 37(b) alleging that defendants, through counsel, failed to timely comply with a court order compelling discovery. Specifically, Jae requests that defendants be fined, and that Jae be awarded the costs of this motion for sanctions.

Generally, the imposition of sanctions, and the choice of an appropriate sanction under Rule 37, is a matter committed to the second discretion of the trial court. Howes v. Medical Components, Inc., 698 F.Supp. 574, 580 (E.D. Pa. 1988). The presence of willfulness or bad faith, while not conclusive, is a relevant factor in this determination. Id; see Wright and Miller, Federal Practice and Procedure: Civil §2291.

In some circuits, "substantial compliance with a court order is a defense to an action for civil contempt. . . [i]f a violating party has taken 'all reasonable steps' to comply with the court order, technical or inadvertent violations of the order will not support a finding of civil contempt." General Signal Corp. v. Donallco, Inc., 787 F.2d 1376, 1379 (9th Cir. 1986); see United State Steel Corp. v. United Mine Workers, 598 F.2d 363, 368 (5th Cir. 1979); Washington Metropolitan Area Transit Authority v. Amalgamated Transit Union, 531 F.2d 617, 621 (D.C. Cir. 1976). Whether substantial compliance is a defense to civil contempt is still undecided in the Third Circuit. See Robin Woods Inc. v. Woods, 28 F.3d 396, 399 (3d Cir. 1994) (stating that even if the court were to recognize substantial compliance as a defense to contempt, it would not apply in that case). However, district courts have accepted substantial compliance as a defense. See Haldeman v. Pennhurst State Sch. & Hosp., 154 F.R.D. 594, 608 (E.D.Pa.1994);

Merchant & Evans, Inc. v. Roosevelt Building Products Co., Inc., No. 90-7973, 1991 WL 261254, at *1 (E.D. Pa. Dec. 6, 1991).

“There is general support for the proposition that a [party] may not be held in contempt as long as it took all reasonable steps to comply.” Harris v. City of Phila., 47 F.3d 1311, 1324 (3d Cir. 1995). The respondent must “show that it has made ‘in good faith all reasonable efforts to comply.’” Id (quoting Citronelle-Mobile Gathering, Inc. v. Watkins, 943 F.2d 1297, 1301 (11th Cir. 1991)).

Here, counsel took reasonable steps to comply with the Court order. As set forth, in the attached declaration, however, errors in identifying and mailing the correct documents and plaintiff’s several transfers resulted in multiple unforeseen delays in counsel obtaining the documents so that he could forward them to Jae. Moreover, Jae now has the documents and is able to use them in his response to defendants’ motion for summary judgment which is now due on May 4, 2001. Thus has not been prejudiced by the delay.

Accordingly, the fine and payment of costs are not appropriate in this case and Jae’s request for the documents is now moot. The motion for sanctions should be denied.

CONCLUSION

For the foregoing reasons, plaintiff's motion for sanctions should be denied.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY: 
MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

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FAX: (717) 772-4526**

DATE: March 13, 2001

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

:

Plaintiff

:

v. : **No. 1:CV-00-0315**

:

KENNETH D. KYLER, individually, and : (Judge Rambo)
in his official capacity, et al., : (Magistrate Judge Smyser)

Defendants

:

UNSWORN DECLARATION OF MICHAEL L. HARVEY

I, Michael L. Harvey, hereby declare under penalty of perjury that the following is true and correct based upon my personal knowledge and my review of my office mail log and the Department of Corrections Inmate Record System:

1. I received this Court's Order directing defendants to provide documents in response to plaintiff's second set of requests for production of documents on December 27, 2000. The Order directed that the documents be provided within ten days, which under Fed.R.Civ. P. 6(a) was January 11, 2001.
2. At the time I received the Order, the plaintiff, John Richard Jae, was housed in the State Correctional Institution at Greene. He had been transferred there from SCI-Camp Hill on October 24, 2000.
3. I was unable to contact the appropriate staff member at SCI-Greene until January due to holiday vacations.
4. I informed the litigation coordinator there of the documents I required.
5. On January 22, 2001, I received a package of materials from SCI-Greene pertaining to the Jae case, which I believed were complete responses to my request.

6. I discovered, however, that I had been sent DC-17 forms, which were Jae's "Conduct Record" and not the DC-17x, which was his adjustment record which he had requested. In addition, the medical records sent were incomplete in that these records did not include all the dates requested by Mr. Jae.

7. Jae was transferred to the mental health unit of Pittsburgh on January 18, 2001.

8. I then contacted staff at SCI-Pittsburgh to obtain Jae's DC-17x forms and his complete medical records.

9. I was subsequently told that Jae's DC-14 file which contained his DC-17x forms could not be located in SCI-Pittsburgh. I was told that, because this was a temporary transfer, that it was possible that Jae's DC-17x forms could still be at SCI-Greene. SCI-Pittsburgh staff, however, were able to locate Jae's medical records, and forwarded them to me.

10. On February 9, 2001, I received Jae's complete medical file.

11. I contacted the litigation coordinator at SCI-Greene, and was initially informed that Jae's DC-14 file could not be found at SCI-Greene. I contacted staff at SCI-Camp Hill to see if the DC-14 may have been sent there.

12. I was later informed that the DC-14 was located at SCI-Greene, and I received the DC-17x forms on February 21, 2001.

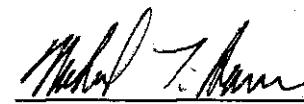
13. When I prepared the documents for mailing I discovered that Jae's medical record lacked dispensary cards and I believed this may have been another oversight.

14. Jae was then transferred back to SCI-Greene on February 22, 2001.

15. I contacted the litigation coordinator at SCI-Greene to check to see if there were any dispensary cards for the time period Jae had requested. After a few days, I received confirmation that there were no dispensary cards for time period covered in Jae's request.

16. On March 1, 2001, I mailed to Jae the documents sought in his document request.

Attached hereto is a true and correct copy of what I sent him.



MICHAEL L. HARVEY
Senior Deputy Attorney General

Executed on: 3/13/01



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

March 1, 2001

MIKE FISHER
ATTORNEY GENERAL

REPLY TO:
15th Floor, Strawberry Square
Harrisburg, PA 17120
PHONE: (717) 783-6896
FAX: (717) 772-4526

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902

RE: Jae, John Richard v. Kyler, et al
No. 1:CV-00-0315

Dear Mr. Jae:

Enclosed please find the documents requested in your second request for production of documents dated September 24, 2000:

1. Plaintiff's RHU 17x quarters cards from April 24, 2000, until June 6, 2000.
2. Any notes taken by the RHU property officer from November 20, 1999 until May 24, 2000, concerning the plaintiff's property.
3. Plaintiff's prison medical records from April 23, 2000, until May 1, 2000 including physician's orders, progress notes and x-ray reports. There are no dispensary cards in plaintiff's medical records for the time period requested.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael L. Harvey".

MICHAEL L. HARVEY
Senior Deputy Attorney General

MLH/cmt
Enclosures

FORM DC-17X

ADJUSTMENT
RECORDCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

- DISCIPLINARY CUSTODY
 ADMINISTRATIVE CUSTODY

DC NO. 803219 NAME Tee, John

REMARKS

Date Received _____

 MAXIMUM CLOSECell No. 52-57

Block Received From _____

Date Released 12-5-7

Placed By _____

Released By _____

DATE	TIME	COMMENT	OFFICER'S SIGNATURE
		Given RHU set-up + rules and regulations	
4-5-00	1PM	Continued DC-17X adjustment - 1st day	J. Kelle
4-5-00	12M	Stand in Law Library	J. Kelle
4-10-00	CONTRACT: MOVED TO TIER 4/NRS BEEN QUIET SINCE. PSYCHOSIS IS ATTEMPTING TO TRANSFER HIM TO WARMARY ICU, AS NOTED ON B/PRT. GOOD BEHAVIOR ONLY LAST SO LONG, AS EVERYONE WAITS FOR EXPLOSION. DC-TIME TO 3-20m3.	Z. Kelle	
4-23-00	2-10	REFUSED to Give up Cell Cleaning Materials DC141/11/2000	C. Kelle
4-23-00	2-10	REFUSED to Give up Cell Cleaning Materials DC141/11/2000 L.P. Smith	C. Kelle
4-23-00	2-10	THREATENING STAFF DC141	C. Kelle
4-23-00	2-10	REFD DC-141 FOR SPITTING ON STAFF	C. Kelle
4-23-00	2-10	RECVD DC-141 FOR THREATENING STAFF	C. Kelle
4/23/00	2215	INMATE JAE DID SWALLOW STAPLES IN FRONT OF THIS OFFICER AND STATED THAT HE WAS GOING TO KILL HIMSELF TONIGHT	D. Kelle
4/24/00	1430	"Streets 6 / 2nd; Disruptive behavior "STAGED IT for a visitation, do not remain in the gallery his Block # 16-CB he to "PACify" 1222	J. Kelle
4/24/00	1705	Helmet + Handcuff's & want shackles	J. Kelle
4/24/00		Flooded TIER - WATER RESTRICTION STARTED	J. Kelle
4/24/00		MOVED to BLOC 4 UNABLE to shut WATER OFF Due to BROKEN or JAMMED WATER Panel	C. Kelle
4/24/00		REMOVED HELMET 1ND HELMET PLACED BROKE 1ST	C. Kelle
4/24/00		REMOVED 2ND HELMET took padding out	C. Kelle
4/24/00		NOTIFIED DR. CLARK. DR. CLARK SAYS REMOVE HELMET.	C. Kelle
4/24/00		DC141 A333235 For REFUSING to OBEY ORDER to CUFF up!	C. Kelle

R604 JAE BQ 3214

DATE	TIME	COMMENT	OFFICER'S SIGNATURE
4-24-00		DC 141 A-233236 For Flooding tier	Chet's cat
4-24-00	10-6	Inmate spitting at this officer while he made a security round. Threatened this officer stating "I'LL KILL YOU C.O. IF I see you in population".	C.O.
4/27/00	1200	May remove shackles.	R.P.Baldwin
4/28/00	0600	Lod all day	J.C. Clark PC
4/29/00	0910	Unruly all day. Threw toilet water on cot Lester. Threatening staff all morning. Quite unstable.	J. M. Marone
4/30/00	0905	THROWING TOILET WATER ON OFFICER MISCONDUCT # A-233259	detention
5/1/00	0915	Refused an medication + ear flush T & R - R. P. B.	
5-2-00		PRC / CONTACT: TRANSFER PETITION INPUT TO MOVE HIM TO SOC & INEN ICU IN WAYMART. THERE ARE SHORT INTERIMS WHEN HE BEHAVES. BUT NOT IN IT. CONTINUE ON D/C TIME.	
5-2-00	1610	Continue DC	(R. Keith) (S. Stogel)
5-3-00	0830	PRC Continue DC. Review again 30 days inmate required property, hearing aid, religious material, requested a shower.	R. Marone
5-3-00	1250	The inmate was given a 9 inch stack of loose legal papers that the staffer had been removed. The inmate became very disruptive and stated that you gave me the wrong paper. I then told this inmate that this is the paper work that I removed the staffer out of so that you don't eat them. You will receive more paper legal papers tomorrow after I get the staffer taken out of it's seat of it. This inmate then started to throw the paper that I gave him out on the tier. The inmate was order by Sgt. Webb to stop this action several times. This inmate did not comply. This inmate received a misconduct # A233284	C.W. Rayne
5-5-00		PER Lt. PORTERFIELD INMATE is to be Removed from Total Restriction. As long as behavior continues to improve	Chet's cat

Case 1:00-cv-00515-SRK Document 95
B03214 Jge

B103

EXCHANGED ROL + LEGAL Rundall
1-30-00

ISSUED 20 SHEETS OF TYPING
PAPER PER LT funk

2-29-00 Rundall
2-13-00 PROPERTY EXCHANGE Rundall

3 BROWN file BRIEFCASE (Card Board)
Placed IN PROPERTY 3-19-00
Rundall

3-16-00 Legal + ROL EXCHANGE Rundall
Returned 3- Religious Books wanted.

Rundall 3 in place when they come in
3-21-00 PLACED MARCH ISSUE OF GLOBE IN PROP.
4-27-00 GLOBE PAPER IN PLAT Rundall

4-27-00 PLATE & EYE GLASSES IN PROPERTY Rundall

4-28-00 STARTED REMOVING STAPLES FROM
AN OF JAMES'S CELL PROPERTY (per
LT Rundall)

5-3-00

Returned 6"

of loose legal

Papers, he now

~~Has 12" of legal~~

Returned ~~6"~~

~~legal / ROL 20-00~~

to TAC 5-12-00

Rayer

(Has a full Box now)

4-28-00 Rundall

2 Shorts

2 V-neck Shirts

1 per Shower Shoes

1 per Socks

9" Legs

8 Law Books

1 per

law Books

5-25-00 SPENT 30 MIN looking Thru legal
Boxes per PRC Def ~~POLAKOVICH~~

6-3-00 JAE STARTED TO SORT PROPERTY FOR T.T.
Rudnall TUE 1/2 (OFFICER TORRES ESCORT)

6-4-00 (Rae & Reservoir) Had JAE down to
FINISH SORTING PROPERTY. JAE did Agree
TO 4 BOX LIMIT ON PROPERTY PER POLICY.
HE PLACED msc. PAPERS & Booklets, Books
IN TRASH BAG. THEN later Refused
TO SIGN THE CONFISCATION ITEMS
SIT.

6-4-00 Rudnall

7-18-00 Ret to RHU. LEFT WITH 2 BOXES RET WITH 3 BOXES

7-25-00 Received Hearing Aid per Lt. LADY

7-28-00 JAE Down Stairs Going Thru legal
PICKING HIS MATE OUT 1-Box (legal + Rel)

STATED THAT SOME MAY BE IN
HIS BED AT WARMING

7-28-00 RE ISSUE 1-BOX LEGAL mat.

2. SHORTS 1. SHOWER SHOES

2 SHORTS 2 SOCKS BIBLIC, 1 comb
mailed 1 Box OUT Now Back to 4 per
POLICY

7-29-00 Received a" OF msc PAPERS + TRASH FOR DISPOSAL

7-30-00 ISSUED APPROX 2" LEGAL PAPER + REC. A" ALSO 2 FOLDERS

Rudnall TO PLACE IN PROPERTY OFFICE ^{EMPTY}

8-28-00 PLACED 1 brown Project Envelope in bag (post
pd.)

8-28-00 PER PRC. POLAKOVICH JAE TO LOOK FOR LEGAL PAPERS
JAE ASSISTED PROPERTY OFFICE IT IS NOT GET
LEGAL PAPERS

PROGRESS NOTES

 Outpatient Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/23/00 9:00	NSG		S - I have green stuff draining from my nose. O: Unable to assess - light in cell so as are shield on door. A - P - Ref'd PA / seek help Reas: Migraine headache
4/23/00	NSG 2300		S - "I'm hungry for staples." O - Came to cell door. No obvious bleeding. Refused to have mouth examined. No mention of suicide - but it'll bleed from the staples. A: Helped. P: Placed in POC by security. John Wyley
4/23/00	NSG 2300		DR. LASKY notified of inmates behavior and swallowing of STAPLES. DR. LASKY advised personnel of cells that contain staples etc. Security notified. Per Cpt. Benton, inmate transferred to POC to provide safe environment. James D. Allens
4/24/00	NSG 0010		Received CALL from Cpt. REASON regarding POC placement. Evidently inmate refused order to be moved from cell or to POC, I was asked to EVALUATE inmate Agar to see if he could remain in his cell or would have to be EXTENDED cont. - James D. Allens

Progress Notes
 Commonwealth of Pennsylvania
 Department of Corrections
 DC-472

Inmate Name:

Jae, John

Inmate Number:

BQ 3219

DOB:

1/3/60

Institution:

Cana Hill

PROGRESS NOTES

 Outpatient Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/25/00	1200	S	Doctor note seen at request of Dr. Visty also on sick line Inmate reports losing it. as a result he started swallowing his staples also c/o green drainage out of A.S. O. - fluid in orifice canal. No carbobendes oral/or neck supp. lungs clear heart reg abd soft BS+ no tender A - ingestion of staples, as documented by HSH-ER of his extreme
	P		will start drops & monitor for complications of staples
	NSL	RHU called Dispensing to verify medical that inmate was "boring this line." C. Neufeld recurred medical to call psychology to evaluate inmate. Andrea Prior PSS notified of inmate's behavioral will report to Mr. Bailey to evaluate inmate in rate. Will notify cell medical if needed.	
			<i>✓</i> William Young, MD WHS PRIMARY PHYSICIAN
			<i>✓</i> Shabana

Progress Notes
 Commonwealth of Pennsylvania
 Department of Corrections
 DC-472

Inmate Name: JAE, John

Inmate Number: BQ 3219

DOB: 1-3-60

Institution: SCI CAMPHILL

PROGRESS NOTES

 Outpatient Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/17/00	1030	Doctor line	<p>signed up for sick line - had a BM yesterday but didn't find staples</p> <p>asking about ear drops</p> <p>exam somewhat AS</p> <p>sores unchanged</p> <p>lungs clear heart ng : abd soft</p> <p>absent cent Rumbst from cuff.</p> <p>observing.</p>
			<i>WY</i> WILLIAM YOUNG, MD WHS PRIMARY PHYSICIAN
4/28/00	1358	Doctor line	<p>in followup.</p> <p>S c/o core lesions murmur</p> <p>O Ecmi on left seen some apparent fungal growth</p> <p>lungs clear heart ng</p> <p>Abd soft</p> <p>Moderate seabs on arms legs front, wrists</p> <p>numerous 2° infected lesions healed</p> <p>offects seem apparently fungal</p> <p>ingestion staple will check X-ray</p>
			<i>WY</i> WILLIAM YOUNG, MD WHS PRIMARY PHYSICIAN

Progress Notes
 Commonwealth of Pennsylvania
 Department of Corrections
 DC-472

Inmate Name: JAE, John
 Inmate Number: BQ 3219
 DOB: 1/13/60
 Institution:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,	:	
	:	
Plaintiff	:	
	:	
v.	:	No. 1:CV-00-0315
	:	
KENNETH D. KYLER, individually, and	:	(Judge Rambo)
in his official capacity, <u>et al.</u> ,	:	
	:	(Magistrate Judge Smyser)
Defendants	:	

CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing, Defendants' Brief in Opposition to Plaintiff's Motion for Sanctions by depositing a copy of the same in the United States Mail, postage prepaid, in Harrisburg, Pa., addressed to the following:

John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902


MICHAEL L. HARVEY
SENIOR DEPUTY ATTORNEY GENERAL

DATE: March 13, 2001